



RAVALLI COUNTY ATTORNEY

George H. Corn, County Attorney
T. Geoffrey Mahar, Chief Deputy
John Bell, Deputy
Karen Mahar, Deputy
William E. Fulbright, Deputy
Alex Beal, Deputy

Ravalli County Courthouse
205 Bedford, Suite C
HAMILTON, MT 59840-2853
Phone (406) 375-6750
Fax (406) 375-6731

RECEIVED

FEB 15 2008

Ravalli County Commissioners

--	--	--	--	--

February 14, 2008

Ms. KellieAnn Morris
Ravalli County Weed District
329 Stevi Airport Rd.
Stevensville, MT 59870

Re: Mr. Daniel C. Dunagan

Dear KellieAnn:

My apologies for being so late in responding to your earlier question—things got remarkably busy with the office. Your question to me was whether Mr. Dunagan, who was appointed to the Ravalli County Weed Board on January 3, 2008, may continue to contract with the Weed District. I have researched Montana Law on the matter, and while I cannot find a definitive answer, I would strongly suggest that the Weed Board not enter into any contracts with its own members, or companies run by its own members. -

MCA §2-2-201 is the most relevant statute to this matter. It is not particularly well written, however, its intent and general spirit is clear: if you represent the government, you may not contract with the government. I certainly understand that many of the County's boards are made up of people with close ties to the industries that the board is related to. That said, a bit of distance is necessary. Even if my reading of MCA §2-2-201 is incorrect and Mr. Dunagan could legally contract with the Weed Board, it certainly creates the appearance of impropriety even if everything is 100% above board.

Therefore, it is my legal advice to you that you inform Mr. Dunagan that he may contract with the Weed Board or serve on the Weed Board but he cannot do both. Please do not hesitate to contact me if you have any questions and do not hesitate to have Mr. Dunagan contact me as well.

Sincerely,

Alex Beal
Deputy Ravalli County Attorney

AB/dp

cc: Ravalli County Commissioners / Mr. Daniel C. Dunagan

G:\WP\F\Civil\Weed Dept\Ltr to KellieAnn Morris 2-14-08.doc

COPY